

SUPREME COURT OF WISCONSIN

OFFICE OF LAWYER REGULATION

Public Reprimand with Consent

Richard E. Reilly

04-OLR-6

In 1996, Attorney Richard E. Reilly was retained to represent J.B. in her divorce. J.B.'s husband had an interest in a retirement system and the method of division of the pension was at issue in the divorce. One method of division would have required that the present value of the pension be determined. The parties did not come an agreement regarding the division of the pension until the day the matter was set for trial. However, Atty. Reilly admits that, prior to the date of the trial, he had not determined the present value of the pension. Therefore, had the matter gone to trial, Atty. Reilly would have been unprepared to argue a division based upon the present value of the pension and was unaware if a division based on such a valuation may have been more or less advantageous to his client.

By failing to thoroughly prepare J.B.'s case with regards to the division of her husband's pension, Atty. Reilly failed to act with reasonable diligence and promptness in representing a client in violation of SCR 20:1.3.

Upon investigation, it was discovered that Atty. Reilly failed to file his 1992-1994 Wisconsin Income tax returns until July 31, 1996. He failed to file his 1995 Wisconsin Income tax return until May 19, 1997. Tax warrants were issued and Atty. Reilly eventually paid all taxes, fees and penalties owing.

By failing to file his Wisconsin Income tax returns, Atty. Reilly violated the standard of conduct set forth by the Wisconsin Supreme Court in State v. Roggensack, 19 Wis.2d 38, 45 (1963) and thereby violated SCR 20:8.4(f).

In 1985, Atty. Reilly was privately reprimanded for neglecting two estates entrusted to him.

In accordance with SCR 22.09(3), Attorney Richard E. Reilly is hereby publicly reprimanded.

Dated this 28th day of May, 2004.

SUPREME COURT OF WISCONSIN

EUGENE A. GASIORKIEWICZ, REFEREE